

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-20

13 **JEFFREY W. ENOS**
14 4101 Innovator Drive
15 Sacramento, California 95834

DEFAULT DECISION AND ORDER

16 and
17 8016 Lichen Drive
18 Citrus Heights, California 95621

[Gov. Code, §11520]

19 and
20 2425 Sonoma Boulevard
21 Vallejo, California 94590

22 **Field Representative's License No. FR 45206**

23 Respondent.

24 **FINDINGS OF FACT**

25 1. On or about October 14, 2014, Complainant Susan Saylor, in her official capacity as
26 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
27 Affairs, filed Accusation No. 2015-20 against Jeffrey W. Enos (Respondent) before the Structural
28 Pest Control Board. (Accusation attached as Exhibit A.)

1 **Applicator License/Field Representative License**

2 2. On or about October 1, 2009, the Board issued Applicator License Number RA
3 50378, Branches 2 and 3, to Jeffrey W. Enos ("Respondent"), as an employee of Clark Pest
4 Control. On or about February 22, 2010, the applicator's license was downgraded to include
5 Branch 3 only, due to the issuance of a Branch 2 field representative license. On or about
6 November 11, 2010, Respondent left the employ of Clark Pest Control. The applicator's license
7 was cancelled from the Board's files on October 1, 2012.

8 3. On or about February 22, 2010, the Board issued Field Representative License No.
9 FR 45206, Branch 2, to Respondent, as an employee of Clark Pest Control. On or about
10 November 11, 2010, Respondent left the employ of Clark Pest Control. On or about March 21,
11 2012, Respondent's field representative license reflected employment with Earth Guard Pest
12 Management Services. On or about August 26, 2013, Respondent's field representative license
13 reflected employment with Applied Pest Management, Inc. On or about June 24, 2014, the field
14 representative license was suspended pursuant to Family Code section 17520. Respondent's field
15 representative license is currently in effect and was in effect at all times relevant to the charges
16 brought herein. The field representative license will expire on June 30, 2015, unless renewed.

17 4. On or about October 23, 2014, Respondent was served by certified mail and regular
18 mail with copies of the Accusation No. 2015-20, Statement to Respondent, Notice of Defense,
19 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
20 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
21 Code section 136, is required to be reported and maintained with the Board. Respondent's
22 address of record was and is:

23 4101 Innovator Drive
24 Sacramento, California 95747.

25 5. On or about October 23, 2014, Respondent was also served by certified mail and
26 regular mail with copies of the Accusation No. 2015-20, Statement to Respondent, Notice of
27 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
28

1 11507.6, and 11507.7) at the following two addresses, which were also reported and maintained
2 with the Board:

3 8016 Lichen Drive
4 Citrus Heights, California 95621; and

5 2425 Sonoma Boulevard
6 Vallejo, California 94590.

6 6. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 7. On or about November 5, 2014, the documents that were sent to the 4101 Innovator
10 Drive address were returned by the U.S. Postal Service marked "Return to Sender, Insufficient
11 Address."

12 8. On or about November 10, 2014, the documents that were sent to the 2425 Sonoma
13 Boulevard address were returned by the U.S. Postal Service marked "Return to Sender, Unable to
14 Forward."

15 9. On or about December 11, 2014, the documents that were sent to the 8016 Lichen
16 Drive address by certified mail were returned by the U.S. Postal Service marked "Unclaimed."

17 10. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 of the accusation not expressly admitted. Failure to file a notice of defense shall
21 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
22 may nevertheless grant a hearing.

21 11. Respondent failed to file a Notice of Defense within 15 days after service upon him
22 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
23 2015-20.

24 12. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions
27 or upon other evidence and affidavits may be used as evidence without any notice to
28 respondent.

13. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2015-20, finds that the charges and allegations in Accusation No. 2015-20, are separately and severally, found to be true and correct by clear and convincing evidence.

14. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,420.00 as of March 18, 2015.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jeffrey W. Enos has subjected his Field Representative License No. FR 45206 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Structural Pest Control Board is authorized to revoke Respondent's Field Representative License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Respondent is subject to discipline pursuant to Business and Professions Code section 8641, in that he failed to comply with Business and Professions Code Section 8593 and California Code of Regulations, title 16, section 1950(a) by failing to verify that he completed courses of continuing education in pest control approved by the Board. Specifically, Respondent failed to submit copies of his continuing education certificates for the renewal period July 1, 2009, through June 30, 2012, as requested by the Board representative.

///

///

111

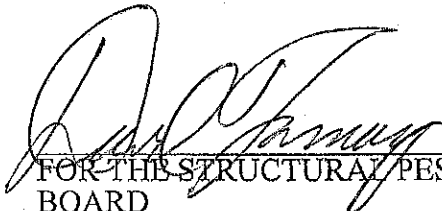
ORDER

IT IS SO ORDERED that Field Representative License No. FR 45206, heretofore issued to Respondent Jeffrey W. Enos, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 3, 2015.

It is so ORDERED May 4, 2015



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

11801191.DOC
DOJ Matter ID:SA2014117620

Attachment:
Exhibit A: Accusation